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Reconsideration  
10-3-03  
H.P.A.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Group: 3752

Confirmation No.: 6528

Application No.: 10/016,596

Invention: Method And Apparatus For Adjusting  
And Positioning Air Caps

Applicant: Baltz, et al.

Filed: October 30, 2001

Attorney

Docket: 3030-67663

Examiner: Davis D. Hwu

Certificate Under 37 CFR 1.8(a)

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Jim Free  
(Signature)

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**RESPONSE**

**MAIL STOP NON-FEE AMENDMENT**

Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

These remarks are submitted in response to the July 9, 2003 official action. In that official action, the Examiner rejected claims 1, 9, 10, 13, 16 and 17 under 35 U. S. C. § 102. The Examiner relied upon Fritz U. S. Patent 5,344,078 to support the rejection. The Examiner takes the position that Fritz teaches a device 20 for positioning an air cap 11 of a pneumatically aided atomizer, the air cap having horns 46 and 47 extending therefrom, the device providing at least one first opening adapted to receive the horns and a first level for indicating when the horns received in the at least one first opening are in a first orientation. The device includes a first surface extending generally in a first direction when the horns are received in the at least one first opening and a second surface extending generally in a second direction opposite the first direction when the horns are received in the at least one first opening as recited in claim 4. Regarding claims 9 and 10, the Examiner takes the position that the vertical and horizontal orientations as recited are strictly based on a perspective view

of the device of Fritz. The Examiner also takes the position that Fritz shows the method as recited in claim 13.

Fritz teaches a nozzle assembly 10 for an HVLP paint spray gun. In pertinent part, the nozzle assembly 10 includes an air cap 11, a fluid tip 12, and an air distribution baffle 13. The nozzle assembly 10 is shown secured to an internally threaded tube 14 which extends from a front end 15 of a spray gun body 16. The nozzle assembly 10 is secured to the spray gun body 16 by positioning the baffle 13 over the tube 14 in alignment with the front end 15 of the gun body 16 and screwing an externally threaded end 17 on the fluid tip 12 into the tube 14. A radial flange 18 on the fluid tip 12 clamps the baffle to the gun body end 15. The baffle 13 has a threaded perimeter 19. The air cap 11 is aligned and secured to the fluid 12 by a retainer ring 20 which is threaded onto the baffle perimeter 19.

Rejected claim 1 specifically recites, "a first level for indicating when the horns received in the at least one first opening are in a first orientation." Rejected claims 9 and 10 depend directly or indirectly from claim 1. Rejected claim 13 specifically recites, "a first level for indicating when the horns received in the at least one first opening are in a first orientation." Rejected claims 16 and 17 depend directly or indirectly from claim 13.

Neither the word "level," nor any description of the function one might ascribe to a level appears anywhere in Fritz. Accordingly, Applicant submits that the 35 U. S. C. § 102 rejection of claims 1, 9, 10, 13, 16 and 17 based upon Fritz is overcome.

The Examiner also cited the following U. S. Patents as of interest: 4,141,503; 6,230,986; 4,744,518; 2,743,963; 4,478,370; and, 4,106,697. Applicant has considered these references and believes his claims to be patentable over them.

Accordingly, Applicants submit that this application is in condition for allowance. Such action is respectfully requested.

Please charge any fees which may be necessary to constitute this a timely response to the July 9, 2003 official action, or credit any overpayment, to Applicants' undersigned counsel's deposit account 10-0435 with reference to file 3030-67663. A duplicate copy of this authorization is enclosed for that purpose.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Richard D. Conard', written in a cursive style.

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